IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.3881 OF 2004

Abdul Hameed Abdul Majeed Ansari ..Petitioner

Vs.

The Chairman
Maharashtra State Electricity Board
and Ors. ..Respondents

Mr.A.M.Ansari in person

Mr.P.P.Chavan with Mr. Kiran Gandhi i/b. Global & Co. for Respondents.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 22ND FEBRUARY, 2005.

P.C.

. Petitioner claims deemed promotion against the post of Administrative Officer and to the post of Deputy Establishment Officer. The Petitioner had earlier filed a Petition before Aurangabad Bench of this Court being W.P.1803 of 1990. That came to be disposed of by judgment dated 20th February, 2002. In that Petition he had claimed that he should be given a deemed date of promotion to the post of Administrative Officer on 7th November, 1979 and to that of Deputy Establishment Officer on 29th September, 1984. That Petition was allowed, against which M.S.E.B. had preferred Special Leave Application. Matter is pending before the Apex Court. The order of Aurangabad Bench has been

stayed.

2. The Petitioner retired on 29th February, 2004. The present Petition has been filed by him on 11th March, 2004, wherein once again he is claiming deemed date of promotion against the post of Administrative Officer from 12th September, 1980 and of Deputy Establishment Officer from 29th September, 1984. It is his contention that these are based on revised seniority lists.

. Those seniority lists were published when the matter was before the Aurangabad Bench. It was therefore, open to the Petitioner to amend the Petition to incorporate the new dates in so far as the deemed date of promotion to the post of Administrative Officer or Deputy Establishment Officer is concerned. He chose not to do so and only now has chosen to prefer this petition for deemed dates for the very posts, for which he had filed the Writ Petition.

3. It is not possible for this Court in the exercise of its extra ordinary jurisdiction to entertain a second petition in respect of the same posts but different deemed dates. As the Petitioner appears in person is so advised it is open to him to raise the point in pending matter before the Apex

Court. It is not open to this Court to entertain a second petition. Hence, petition is rejected.

4. Respondents are permitted to file copies of the affidavit in reply as the original reply seems not to be transfered.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)